

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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KONINKLIJKE PHILIPS ELECTRONICS  
N.V. and U.S. PHILIPS CORPORATION,

Plaintiffs,

v.

THE ADS GROUP fka ADVANCED  
DUPLICATION SERVICES LLC; AMERICAN  
MEDIA INTERNATIONAL, LTD.;  
CARBONITE INC.; THE COMVEST GROUP;  
CONCORD RECORDS, INC.; CONCORD  
MUSIC GROUP, INC; EVA-TONE, INC.;  
HAL LEONARD CORP.; HUDSON VALLEY  
CAPITAL PARTNERS, INC.; INOVERIS LLC;  
INTUIT INC.; METATEC INTERNATIONAL,  
INC.; MTI ACQUISITION LLC aka MTI  
ACQUISITION CORP.; MUSIC CITY OPTICAL  
MEDIA, INC.; ZOMAX INCORPORATED;  
MICHAEL F. HARDWICK, an individual; ARUN  
KHURANA, an individual; JEAN A. LAGOTTE  
JR., an individual; JOHN EDGAR MOLL, an  
individual, JOHN STEVEN MOLL, an individual;  
DAVID A. SILVON, an individual; and John Does  
No. 1 through 100

Defendants and  
Counterclaim Plaintiffs.

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Civil Action No.08-cv-4068  
(CLB) (LMS)

ECF Case

To the Clerk of the Court and all parties of record:

**APPLICATION FOR LEAVE TO WITHDRAW AS ATTORNEY OF RECORD  
FOR DEFENDANT INTUIT INC.**

Ivan Kavrukov, an attorney of record for defendant Intuit Inc. ("Intuit") respectfully applies for leave to withdraw from this case pursuant to Local Civil Rule 1.4 and for an Order granting such leave.

The undersigned represents, *inter alia*, defendants Inoveris and Zomax, who are alleged to have supplied defendant Intuit with the allegedly infringing products. The undersigned seeks to withdraw as attorney of record because Intuit is being represented by DLA Piper US LLP. An attorney from DLA Piper US LLP, Mark Walter Rueh, has filed an appearance on June 26, 2008 (Dkt # 43) as well as an Answer and Rule 7.1 statement on behalf of Intuit (Dkts #42, #41), and will serve as counsel of record for defendant Intuit.

This case is currently in its initial stages. Plaintiffs reply to Intuit's counterclaims, which were filed by DLA Piper US LLP, are due on July 21, 2008. No hearings or conferences are currently scheduled before the Court.

Respectfully submitted,

COOPER & DUNHAM LLP

Dated: July 2, 2008

/s/ Ivan Kavrukov  
Ivan Kavrukov (IK 4452)  
William E. Pelton (WP 1850)  
Tonia A. Sayour (TS 7208)  
Gregory J. Carbo (GC 8459)  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 2nd day of July, 2008, a copy of the foregoing **APPLICATION FOR LEAVE TO WITHDRAW AS ATTORNEY OF RECORD FOR DEFENDANT INTUIT INC** was filed electronically with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Christopher J. Hought  
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Mark Walter Rueh  
DLA Piper US LLP (NY)  
1251 Avenue of the Americas  
New York, NY 10020  
Email: mark.rueh@dlapiper.com

and was served by email and by First Class Mail, postage prepaid, on the following attorneys for plaintiffs, Koninklijke Philips Electronics N.V. and U.S. Philips Corporation, addressed as follows:

Vince P. Kovalick  
John F. Hornick  
Samuel C. Bass  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.  
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Samuel.Bass@finnegan.com

/s/ Ivan Kavrukov  
Ivan S. Kavrukov

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**AFFIDAVIT OF IVAN KAVRUKOV IN SUPPORT OF HIS**  
**APPLICATION FOR LEAVE TO WITHDRAW AS ATTORNEY OF RECORD**  
**FOR DEFENDANT INTUIT INC.**

Ivan Kavrukov, being duly sworn, hereby deposes and says as follows:

1. I, as an attorney with the law firm Cooper & Dunham LLP, was retained by defendant Zomax Incorporated ("Zomax"), a replicator of Compact Discs ("CDs"), to represent them as counsel in this action.

2. Intuit Inc. ("Intuit") has been accused of patent infringement for selling CDs which it purchased from Zomax. Zomax has offered to indemnify Intuit and take over the defense of the above-captioned action on their behalf by retaining the undersigned to represent both Zomax and Intuit in this matter.
3. As Intuit has obtained counsel to represent it independently of Zomax, and at Intuit's request, I now seek to withdraw as attorney of record for Intuit. Attorneys from DLA Piper US LLP, who have already filed appearances as well as an Answer to the plaintiffs' Amended Complaint, will continue to serve as Intuit's counsel of record.
4. My withdrawal should in no way prejudice or inconvenience the parties to this action or impede judicial efficiency.



Ivan Kavrukov

Sworn to and subscribed before  
me this 2<sup>nd</sup> day of July, 2008



Notary Public

BARBARA L. ANTONIC  
NOTARY PUBLIC, State of New York  
No. 4689383  
Qualified in Kings County  
Certificate Filed in New York County  
Commission Expires Sept. 30, 2009

My commission expires 9-30-09.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 2nd day of July, 2008, a copy of the foregoing **AFFIDAVIT OF IVAN KAVRUKOV IN SUPPORT OF HIS APPLICATION FOR LEAVE TO WITHDRAW AS ATTORNEY OF RECORD FOR DEFENDANT INTUIT INC** was filed electronically with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Christopher J. Houpt  
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Mark Walter Rueh  
DLA Piper US LLP (NY)  
1251 Avenue of the Americas  
New York, NY 10020  
Email: mark.rueh@dlapiper.com

and was served by email and by First Class Mail, postage prepaid, on the following attorneys for plaintiffs, Koninklijke Philips Electronics N.V. and U.S. Philips Corporation, addressed as follows:

Vince P. Kovalick  
John F. Hornick  
Samuel C. Bass  
FINNEGAN, HENDERSON, FARABOW,  
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Samuel.Bass@finnegan.com

/s/ Ivan Kavrukov  
Ivan S. Kavrukov

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**[PROPOSED ORDER]**

The Application of Ivan Kavrukov for leave to withdraw as counsel of record for  
defendant Intuit Inc. is hereby granted.

It is hereby ORDERED that Ivan Kavrukov is hereby relieved from all obligations associated with the representation of defendant Intuit Inc. in the above case.

SO ORDERED

Dated:

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Hon. Lisa M. Smith  
U.S.M.J.